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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JOHN E. BARNHOUSE,

11 Plaintiff,

12 v.

13 Eldon Vail, *et al.*,

14 Defendants.
15

CASE NO. C09-5154RJB

ORDER

16 This matter is again before the court on several motions, pleadings, and/or letters filed by
17 plaintiff, including the following: motion for reconsideration (Doc. 38), motion to order evidence
18 (Doc. 39), five (5) separate motions for appointment of counsel (Doc. 40, 43, 44, 56, & 60), a
19 motion for the court to order discovery (Doc. 61), and a motion for an extension of time (Doc.
20 63). The Court, having reviewed plaintiff's pleadings and the balance of the record, finds and
21 orders the following.
22

23 1. On September 2, 2009, the court entertained several motions similar to those now
24 before the court, including a request for injunctive relief (Doc. 13, 24), a motion for appointment
25 of counsel, and a motion for leave to file a Second Amended Complaint (Doc. 19).

26 2. The court granted plaintiff leave to file the Second Amended Complaint and directed
the matter to be served, **but not until** plaintiff provided sufficient copies of the Second Amended

1 Complaint, along with appropriate summonses and marshal's forms for each of the named
2 defendants. Plaintiff was directed to provide those documents to the court clerk by later than
3 **October 14, 2009**, otherwise this court advised plaintiff that it would recommend dismissal of
4 this matter for lack of prosecution. Because plaintiff has failed to provide the necessary
5 documents, this court is recommending dismissal of this matter without prejudice.
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7 3. Local Rule CR 7(h)(1) states:

8 Motions for reconsideration are disfavored. The court will ordinarily deny such
9 motions in the absence of a showing of manifest error in the prior ruling or a
10 showing of new facts or legal authority which could not have been brought to its
11 attention earlier with reasonable diligence.

12 Plaintiff's motion for reconsideration (Doc. 38) and each of the five motions for appointment of
13 counsel (Docs. 40, 43, 44, 56, & 60) are **DENIED**. Plaintiff has not shown any manifest error in
14 the prior rulings on the issues presented or any new facts or legal authority that could not have
15 been brought to the court's attention earlier with reasonable diligence.

16 4. Plaintiff asks the court to order the Washington State Attorney General to preserve
17 electronic videos (Doc. 39) and the Washington State Department of Corrections to allow
18 plaintiff to contact witnesses (Doc. 61). Plaintiff's requests constitute an improper attempt to ask
19 this court to conduct its own discovery in this matter. Neither the state's Attorney General nor
20 the department of corrections is a party to this action, none of the named defendants have been
21 served with the complaint, and Plaintiff has not served defendants with copies of either motion.

22 Discovery is a responsibility of the parties, who should follow the appropriate Rules of Civil
23 Procedure to obtain the evidence needed to proceed with litigation. Therefore, plaintiff's
24 requests are **DENIED**.

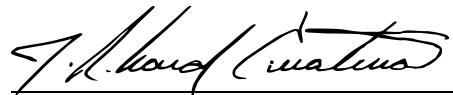
25 5. Plaintiff's motion for an extension of time (Doc. 63) is **DENIED**. Plaintiff is not specific,
26 but implies that he needs until April, 2010 to make the copies and complete the documents

1 needed to conduct service in this matter. The amount of time requested is unreasonable. Parties
2 have an obligation to proceed with litigation expeditiously. Plaintiff has presented no grounds
3 for such an extended delay.

4 6. The court further notes that plaintiff has submitted another amended complaint (Doc. 48).
5 Plaintiff has failed to ask for leave of the court to file this pleading, and it should be stricken
6 from the record.
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8 The clerk is directed to send plaintiff a copy of this order.

9 DATED this 4th day of November, 2009.

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13 J. Richard Creatura
14 United States Magistrate Judge
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